

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES SIMMONS,

Plaintiff,

v.

WARDEN, ALLEGHENY COUNTY JAIL,
et al

Defendants.

)
) Civil Action No. 10 – 1683

)
) District Judge Nora Barry Fischer

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on October 4, 2010, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On February 9, 2011, the magistrate judge filed a Report and Recommendation recommending that, because the Plaintiff has failed to sign an authorization which would allow the institutional account officer to deduct his filing fee as required by federal law, the action should be dismissed without prejudice and Plaintiff permitted to re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00. Plaintiff was served at his address of record with a copy of the Report and Recommendation and advised he had until February 28, 2011 to file objections. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of March, 2011;

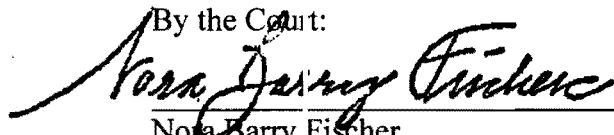
IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 9) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Nora Barry Fischer
United States District Judge

cc: Charles A. Simmons
835999
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219